



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/132,231	08/11/1998	MARSHALL S. HORWITZ	032425-001	9035

21839 7590 07/17/2003

BURNS DOANE SWECKER & MATHIS L L P
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

BRUSCA, JOHN S

ART UNIT PAPER NUMBER

1631

DATE MAILED: 07/17/2003

50

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT	PAPER
----------	-------

50

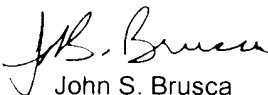
DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

The applicants are required to provide a statement under 37 CFR 1.607 defining the proposed count for interference relative to the instant pending claims 29-48 resulting from the amendment filed 05 September 2002. The applicants are further requested to file a statement under 37 CFR 1.608(b). The proposed interference concerns applications that claim priority to Application No. 06/942630, which was filed under 35 U.S.C. § 371. For the purpose of consideration under 37 CFR 1.608 the effective filing date of the Kauffman priority application will be considered to be the international filing date rather than the 102(e) date of the application since the application is not being applied as a reference under 35 U.S.C. § 102(e) in this situation. Since the international filing date of the priority application of Kauffman is 17 June 1985, the instant application has an effective filing date 13 months later than the Kauffman application and 37 CFR 1.608(b) rather than 608(a) applies to the proposed interference.

Applicant is given ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this communication to provide the statements discussed above. Failure to do so will be considered a concession that the subject matter of the instant claims is the prior invention of another under 35 U.S.C. 102(g), and thus also prior art under 35 U.S.C. 103(a) (In re Oguie, 517 F.2d 1382, 186 USPQ 227 (CCPA 1975)). THE PROVISIONS OF 37 CFR 1.136 DO NOT APPLY TO THE TIME SPECIFIED IN THIS ACTION.


John S. Brusca
Primary Examiner
Art Unit: 1631